

Wendy Alison Nora
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Initial Response Date: September 25, 2013
Initial Hearing Date: October 9, 2013

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC
a/k/a RESIDENTIAL CAPITAL CORPORATION
1177 Avenue of the Americas
New York, New York 10036
Debtor

Chapter 11
Case No. 12-12020-mg
Jointly Administered

WENDY ALISON NORA,
Plaintiff
v.

Adv. No. 13-1208

RESIDENTIAL FUNDING COMPANY, LLC, et al.
Defendants

NOTICE OF APPEARANCE FOR CLAIMANT PAUL N. PAPAS II (CLAIM #242)

PLEASE TAKE NOTICE that Wendy Alison Nora, admitted to practice before this Court in the above-captioned consolidated proceedings *pro hac vice*, and enters her limited appearance for pending Claimant Paul N. Papas II of Phoenix, Arizona, on the matter of the Debtors' Motion to Disallow his Claim # 242 in these proceedings and such other matters as may be necessary to protect his interests in his Proof of Claim in these proceedings, including, but not limited to, filing an amended proof of claim and proceeding by intervention in the adversary proceedings in Case No. 13-1208 entitled Nora v. Residential Funding Company, et al. The

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Amended Proof of Claim #242 is attached hereto as Exhibit A.

Dated at Madison, Wisconsin this 10th day of September, 2012.

/s/ Wendy Alison Nora

Wendy Alison Nora

310 Fourth Avenue South, Suite 5010

Minneapolis, Minnesota 55413

(612) 333-4144

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UNSWORN DECLARATION OF SERVICE

The above-captioned document filed by CM/ECF on September 10, 2013 and was
thereby served all parties and their counsel capable of service by CM/ECF in these proceedings.

/s/ Wendy Alison Nora

Wendy Alison Nora

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EXHIBIT A

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AMENDED

UNITED STATES BANKRUPTCY COURT for the Southern District of New York		PROOF OF CLAIM						
Name of Debtor: RESCAP, LLC	Case Number: 12-12020							
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.								
Name of Creditor (the person or other entity to whom the debtor owes money or property): Paul N. Papas, assignee or trustee of "Borrower" collateral or counterparty thereto								
Name and address where notices should be sent: c/o Attorney Wendy Alison Nora 310 Fourth Avenue South, Suite 5010 Minneapolis, Minnesota 55415		COURT USE ONLY						
Telephone number: (612) 333-4144 email: accesslegalservices@gmail.com		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____						
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.						
Telephone number: email:								
1. Amount of Claim as of Date Case Filed: \$ <u>646,875,000.00</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.								
2. Basis for Claim: <u>conversion of collateral, RICO, fraud, interference w/ contract</u> (See instruction #2)								
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: <u>unsecured</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)						
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>See attached Exhibit A</u> Value of Property: \$ <u>14,375,000.00</u> Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)								
Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: <u>see attached</u> Amount of Secured Claim: \$ <u>14,375,000.00</u> Amount Unsecured: \$ <u>632,737,500.00</u>								
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount. <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B). </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4). </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5). </td> </tr> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7). </td> <td style="vertical-align: top;"> <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8). </td> <td style="vertical-align: top;"> <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____). </td> </tr> </table> <p style="text-align: right; margin-top: 10px;">Amount entitled to priority: \$ _____</p>			<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).						
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).						
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.								
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)								

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7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Paul N. Papas II
Title: Assignee/Trustee/Counterparty as applicable
Company: My Legal Help USA
Address and telephone number (if different from notice address above):
4727 E. Bell Road, Suite 425-350
Phoenix, Arizona 85032

(Signature)

(Date)

Telephone number: (602) 493-2016 email: paul.papas@mylegalhelpusa.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

**LIST OF PROPERTIES: PAUL N. PAPAS II REAL ESTATE CLAIMS ADVERSE TO
RESCAP, LLC¹ AFFILIATES**

71 Settlers Lane, Marlboro, Massachusetts 01752

8025 Krail Street, Scottsdale, Arizona 85250

7375 a/k/a 7377 West Oraibi Drive, Glendale, Arizona 85308

844 East 176th Street, Bronx, New York 10460

88210 Lake Side Dr, Veneta, Oregon 97487

5329 Buckhead Cir, Boca Raton, Florida

1910 Eutaw Pl, Baltimore, Maryland 21217

3832 Youngstown Rd, Chattanooga, Tennessee 37406

12742 Blenheim St, Baldwin Park, California 91706

18 Rota Dr, Parlin, New Jersey 08859

2134 East Logan Ave, Salt Lake City, Utah 84108

¹ For purposes of describing the Debtors' current or former claim of interest in these properties, Claimant directed the Debtors' to their definition in their July 3, 2013 Chapter 11 Plan, page 9, paragraph 30.: "Borrower Claims" means (i) Claims of a Borrower arising from or relating to any alleged act or omission or any other basis of liability of any Debtor (or any predecessor) in connection with the origination, sale, and/or servicing of a mortgage loan originated, sold, consolidated, purchased, and/or serviced by any Debtor, (ii) Claims filed for or on behalf of a Borrower by such Person's attorney or agent, including as part of a proof of claim filed on behalf of a putative class of Borrowers, and (iii) claims that have become Allowed as a result of settlement of Borrower litigation commenced against Ally and the Debtors.

The above-listed properties were subject to "origination, sale, and/or servicing of a mortgage loan originated, sold, consolidated, purchased, and/or serviced by any Debtor, which is legally deficient." Mr. Papas is the agent, assignee or promisee of "such Person" depending on the real estate involved. Debtors can either address the rights of injured persons, their assignees, trustees and counterparties as "Borrower Claims," or if they wish to limit their definition of Borrower Claims to the damages caused to persons solely because the Debtors' claimed that such persons owed a debt purportedly secured by real estate to any Debtor, then no provision for assignees, trustees and counterparties of the defined class of Borrower Claims has been made and at least one category of Claimants has not been designated for treatment under the Chapter 11 Plan: Borrower's assignees, trustees and counterparties. The Plan would then be nonconfirmable under 11 USC sec. 1129(a)(1), (2), and (3) for failure to create a class of unsecured claims for Borrowers' assignees, trustees and counterparties under 11 USC sec. 1121(a).

4615 East Bales Street, Compton, California 90221

7409 William Reynolds Dr, Charlotte, North Carolina 28215

491-495 Sapp St, Macon, Georgia 31206

8801 Leeward Dr, Tampa, Florida 33634

10491 Fishpond Ct, Wellington, Florida 33414

14229 Van Nuys Blvd, Los Angeles, California 91331

158-52 85th St, Howard Beach, New York 11414

1081N Vinedo Av, Pasadena, California 91107

6182 Indiana Ave, Buena Park, California 90621

345 Ocean Dr #712, Miami Beach, Florida 33139

12317 Dendron Pl, Fort Washington, Maryland 20744

7276 Highlands Rd, Indianapolis, Indiana 46268

1247 South Fremont Street, Anaheim, California 92804

1513 Patuxent Manor Rd, Davidsonville, Maryland 21035

5232 West Ruskin Pl, Indianapolis, Indiana 46224

613 Shady Lane, Santa Maria, California 93455

1220 East Caldwell St, Compton, California 90221

8219 Calendula Dr, Buena Park, CA 90620

892 Woodmire Dr, North Woodmere, New York 11581

1656 Flat Shoals Rd, Atlanta, Georgia 30316

11 Byrnes Ln E, Sayreville, New Jersey 08872

1863-1863 Y2 S Rimpau Blvd, Los Angeles, California 90019

13122 Advance Dr, Houston, Texas 77065-2148

3850 South Laurel Way, Chandler, Arizona 85249

128 West Rose Ave, La Habra, California 90631

480 Eldora Rd, Pasadena, California 91104

4776 Amsler Rd, Ellenwood, Georgia 30294

260 Marganza South, Laurel, Maryland 20724

912 N Dayna St, Santa Ana, California 92701

3 Millard Ave, Egg Harbor Township, New Jersey 08234

16105 Valeport Ave, Lancaster, California 93535

1301 Deer Trail Rd, Hoover, Alabama 35226

15442 Becky Lee Dr, Baton Rouge, Louisiana 70819

751 Orchard Way, Manteca, California 95336

14407 Serrano Creek Lane, Humble, Texas 77396

2209 Sparrow Point Rd, Baltimore, Maryland 21219

576 East 1864 South, Orem, Utah 84058

3012 Ocean View Dr, Las Vegas, Nevada 89117

669 Cresting Oak Cir # 103, Orlando, Florida 32824

345 South Walbash Ave, Brewster, OH 44613

2233 Rafael Terrace, Glendale, California 91208

79 Hemlock St, Selden, New York 11784

6740 North Central Park Ave, Lincolnwood, Illinois 60712

1324 S Glenn Alan Ave, West Covina, California 91791

6346 South Ellis Ave, Chicago, Illinois 60637

717 N Soto, 2322-2325 City View Ave, Los Angeles, California 90033

184 N Ruth Rd, Benson, Arizona 85602

2369 Treehouse St, Chula Vista, California 91915

9540 La Serna Dr, Whittier, California 90605

715 Palm Dr, Glendale, California 91202

1056 West 103rd St, Los Angeles, California 90044

9180 Rolling Way #7-205, Parker, Colorado 80134

2800 The Alameda, Baltimore, Maryland 21218

636 East Gilbert Street, San Bernardino, California 92404

5623 W Floradora Ave, Fresno, California 93722

3000 Jeffrey Dr, Costa Mesa, California 92626

1759 Curry Comb Dr, San Marcos, California 92069

14148 Pony Lane, Los Angeles, California 91342

20104 Marlin Ave, Lynwood, Illinois 60411

210 Taylor St, Fairfield, California 94533

1504 West Kramer Ridge Rd, Reedley, California 93654

2960 Walton Rd, Saint John, Missouri 63114

26661 Rim Rd, Memet, California 92544

8748 Echo Grande Dr, Las Vegas, Nevada 89131

1722 Corte Vista St, Brentwood, California 94513

345 Pioneer Dr, Glendale, California 91203

2325 West Monta Vista, Santa Ana, California 92704

705 W Eubanks, Oklahoma, OK 73118

3217 McIntosh Rd, Sarasota, Florida 34232

9239 Carlin, Detroit, MI 48228

1525 Lenox Ave Unit 2, Miami Beach, Florida 33139

58 Fountain Ave, Brooklyn, New York 11208

407, 409, 411 & 413 Vista Avenue, Pasadena, California 91107
3435 Amberwood Bay North, Lake Havasu, Arizona 86404
305 NE 13th St, Battle Ground, Washington 98604
5303 Vienna Dr, Clinton, Maryland 20735
4421 Greendell Rd, Chesapeake, Virginia 23321
424 Serano Ct, Merced, California 95340
224 South Hill ward Ave, West Covina, California 91791
19325 Crescent Rd, Odessa, Florida 33556
1 Curran Brook Court, Cumberland, Rhode Island 02864
578 Cornell St, San Lorenzo, California 94580
13 Arcadia Lane, Alton Bay, New Hampshire 03810
8008 149th St SE, Snohomish, Washington 98296
305 NE 13th St, Battle Ground, Washington 98604
5843 Jellico Ave, Encino, California 91316
1407 Cottonwood St, Upland, California 91786
2686 Johnstown Rd, Centerburg, Ohio 43011
19 Sherwood Dr, Aliso Viejo, California 92656
451 Jax Estates Dr N, Jacksonville, Florida 32218
790 Harbor Cliff Way #191, Oceanside, California 92054
1151 S Chestnut Ave #140, Fresno, California 93727
2918-20 North Richard St, Milwaukee, Wisconsin 53212
25281 E 4th St, San Bernardino, California 92410
6529 Walnut Ave, Long Beach, California 90805
803 West Pomona Blvd Unit ABC, Monterey Park, California 91754

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4703 41st St, Hyattsville, Maryland 20781

2929 Turnbull Bay Rd, New Smyrna, Florida 32168

3846 Keeler, Chicago, Illinois 60641

5609 Melbury Way, Antelope, California 95843

13207 Burleigh St, Upper Marlboro, Maryland 20774

19172 Camassia Ct, Riverside, California 92508

1100 North Avenue 63, Los Angeles, California 90042

1420 Celis St, San Fernando, California 91340

115 properties at minimum market value of \$125,000.00 for each property=\$14,375,000.00 exclusive of punitive damages. Using the average leverage calculation of 15 times the market value of the collateral underlying the securities created thereon for disgorgement of profits from the false claims on these properties, the claim value is \$215,625,000.00 to be redistributed to the original Borrowers pro rata on the basis of the original loan amount, minus the investor's loss of use of the properties for investment leverage since the commencement of this action in an amount to be determined at trial, net of punitive or RICO treble damages. Treble damages are available under 18 USC sec. 1964 in lieu of punitive damages. Proof of Claim #242 is herewith amended to the value of \$646,875,000.00 for ease of calculation. Many of the properties have values in excess of \$125,000.00, so Proof of Claim #242 was based upon an estimated value of the properties at treble damages as \$10,000,000,000.00.

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